

REMARKS

To summarize, Claim 1 has been amended and Claims 5, 33 and 34 have been cancelled. Claims 1-4, 12-32 and 35 are pending.

Applicants appreciate the allowance of Claims 12-32.

In the Office Action, Claims 1, 2 and 4 stand rejected under 35 USC §102(e) as being anticipated by Hilscher, U.S. Patent No. 7 086 111. To advance prosecution, Claim 1 has been amended to include the feature of dependent Claim 33. Therefore, this rejection is believed moot.

Claims 5 and 33-35 stand rejected based on Hilscher in view of Kablik, U.S. Patent No. 6 007 556. Claims 5 and 34 have been cancelled to reduce the number of issues. Since Claim 1 includes the feature of Claim 33, Claims 1 and 35 will be discussed herebelow.

Hilscher discloses an electric dental cleaning device that comprises an electric tooth brush. The device includes a transponder 19 mounted to a brush attachment 2 and a handle section 1 having a detector 20 as shown in Figure 18. As shown in Figure 18(a), the transponder 19 can be bonded to a slip-on ring 8. The dental cleaning device also includes various brush attachments 2 that are seatable upon the end of a handle section 1. The brush attachments 2 have a brush head 4 projecting perpendicular from the length of the axis thereof.

Claim 1 recites "A surgical accessory" and "a shaft configured for use in a surgical procedure at a surgical site defined in the body of a patient". As discussed above, Hilscher is directed to an electric toothbrush that is not configured in any way to act as a surgical accessory.

Further, Claim 1 recites "a cutting head attached to or integrally formed with a distal end of said shaft". Hilscher discloses a tooth cleaning device disposed at the distal end of a shaft that has no cutting purpose or capability.

Kablik discloses a surgical irrigation pump and tool system having a motorized handpiece, a tool for insertion in

the handpiece and a console. The system provides both an irrigation flow to a surgical site and a suction flow away from the surgical site.

Further, Kablik discloses a tool inner tube 42 and a tool outer tube 32. A tubular radially inner rotor 40 including a rotor hub 41 rotatably drives the inner tube 42. At least one of windows 46, 47 of Kablik includes a cutting edge for cutting tissue upon rotation of the inner tube 42 within the outer tube 32.

The Office Action states that it would have been obvious to one of ordinary skill in the art "to modify shaft 49 of Hilscher to fit cutting head assembly 40 and 31 so that one can use the device in a surgical procedure as recited in the claims". Thus, the rejection relies on providing a cutting head as disclosed in Kablik for the brush attachment of Hilscher. This combination is not understood.

The field of invention of Hilscher is related to tools for cleaning teeth, particularly brush attachments for use with a handle section. There is no disclosure or motivation to utilize the electric dental cleaning device of Hilscher for any type of cutting purpose. Further, providing the cutting head of Kablik for the dental cleaning device of Hilscher would destroy the function or purpose of the dental cleaning tool and thus would be undesirable to one of ordinary skill in the dental cleaning device art. Therefore, one of ordinary skill in the art would not be motivated to modify Hilscher to obtain a surgical accessory having a cutting head.

In conclusion, there is no motivation for one of ordinary skill in the art to replace the brush attachment of Hilscher with any type of cutting tool, much less a cutting head.

For the above reasons, Claim 1 is believed allowable over the prior art.

As discussed in Applicants' previous Response, Claim 35 recites that the surgical accessory comprises an endoscopic surgical accessory. As discussed above, Kablik discloses an irrigation pump and tool system that can be utilized for


endoscopic procedures. Such an endoscopic system, however, is not believed relevant to modify a dental cleaning device that has no surgical purpose, but merely is provided for cleaning of teeth. Therefore, Claim 35 further distinguishes Hilscher in view of Kablik.

Claims 2-4 are believed allowable over Hilscher in view of Kablik for the reasons discussed above with respect to Claim 1.

In view of the amendment of Claim 1 to recite the feature of cancelled Claim 33, and the cancelling of Claims 5 and 34 to reduce the number of issues, entry and consideration of the amendment is respectfully requested.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully solicited.

Respectfully submitted,



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